

2003 DRAFTING REQUEST**Bill**Received: **04/23/2003**Received By: **rnelson2**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**By/Representing: **Kimberly L**This file may be shown to any legislator: **NO**Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Youth ATV racing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rnelson2 06/05/2003	jdyer 06/06/2003	rschluet 06/06/2003	_____	mbarman 06/06/2003		
		jdyer 06/06/2003		_____			
/P2	rnelson2	jdyer	rschluet	_____	sbasford		State

07/11/2003 03:17:21 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/10/2003	06/13/2003	06/13/2003	_____	06/13/2003		
/1	rnelson2	jdye	jfrantze	_____	sbasford	amentkow	
	07/03/2003	07/07/2003	07/11/2003	_____	07/11/2003	07/11/2003	
		jdye		_____			
		07/11/2003		_____			

FE Sent For:

<END>

At
Intro.

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		jdyer 06/06/2003		_____			
/P2	rnelson2	jdyer	rschluet	_____	sbasford		State

07/11/2003 10:38:55 AM

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/1	rnelson2	jdyer	jfrantze	_____	sbasford		
	07/03/2003	07/07/2003	07/11/2003	_____	07/11/2003		
		jdyer		_____			
		07/11/2003		_____			

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No specific pre topic given

Topic:*7/3 called - wants as 11*

Youth ATV racing

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		jdyer 06/06/2003		_____			
/P2	rnelson2	jdyer	rschluet		sbasford		

1 file 7/11 10/11 11/11

06/13/2003 08:39:59 AM

Page 2

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	06/10/2003	06/13/2003	06/13/2003	_____	06/13/2003		

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Extra Copies:

*Harl Brooks
DNR*Submit via email: **YES**Requester's email: **Rep.Pettis@legis.state.wi.us** ✓

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/P1	rnelson2 06/05/2003	jdyer 06/06/2003	rschluet 06/06/2003		mbarman 06/06/2003		

jdyer
06/06/2003
1/2 6/11 jld

6-13-3

FE Sent For:

<END>

04/23/2003 12:00:25 PM

Page - 1

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1?	rnelson2	PI 6/10 jld	9	9			
		***NOTES		6-6-3			

FE Sent For:

<END>

Draft ATV Race Exemptions For Persons Under 12 Years Of Age

23.33 (5)

Age restrictions; safety certification program.



- (a) Age restriction. No person under 12 years of age may operate an all-terrain vehicle unless he or she is operating the all-terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age or unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the department and he or she is accompanied by his or her parent. No person who is under 12 years of age may operate an all-terrain vehicle which is an implement of husbandry on a roadway under any circumstances. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6. under any circumstances. No person who is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this paragraph, supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.
- (b) All-terrain vehicle safety certificate. A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle unless he or she holds a valid all-terrain vehicle safety certificate or is accompanied by a person over 18 years of age. A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6 unless he or she holds a valid all-terrain vehicle safety certificate regardless if he or she is accompanied by a person over 18 years of age. A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle which is an implement of husbandry on a roadway under the authorization provided under sub. (4) (d) 5 unless he or she holds a valid all-terrain vehicle safety certificate regardless if he or she is accompanied by a person over 18 years of age. A person who is at least 12 years of age but under 16 years of age may not rent or lease an all-terrain vehicle. A person who is at least 12 years of age but under 16 years of age who holds an all-terrain vehicle safety certificate shall carry it while he or she operates an all-terrain vehicle and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle in an area designated by the instructor.
- (c) Exceptions. Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle exclusively ~~on land under the management and control of the person's immediate family.~~ **on private property. Paragraph (c) does not exempt riders from the requirements of (a) or (b) when a person operates and all-terrain vehicle on lands owned or leased by an organization of which the person or a member of the person's immediate family is a member.** Paragraphs (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada. **Paragraphs (a)**

and (b) do not apply to any person operating an all-terrain vehicle used exclusively during a sanctioned race or at a raceway facility.

(d.) Safety certification program established. The department shall establish or supervise the establishment of a program of instruction on all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle law, regulations, safety and related subjects. The department shall establish by rule an instruction fee for this program. An instructor conducting the program of instruction under this paragraph shall collect the fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department.

Proposed Statutory additions:

(New) "Raceway facility" means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.

(New) "Sanctioned race or derby" means a competitive all-terrain vehicle event that is conducted on private property or on public areas including ice and that is sponsored by a local unit of government, chamber of commerce, an all-terrain vehicle club, promoter, or similar organization.

- a. The entire sanctioned race area, including warmup areas and pits must be clearly marked by signs or exclusion fence warning the public a sanctioned race or derby is taking place when races are conducted on public areas.
 1. Signs must be placed no further than 100 feet apart.
 2. Each sign must include the name of the event sponsor and/or the name of the person responsible or person in charge of the event.
 3. Each sign must contain the words "Caution - Race in Progress"
 4. Signs or exclusion fences must be removed immediately at the conclusion of the sanctioned race.
- b. No person may enter a sanctioned race area or race facility except for spectators, racers, event organizers and other authorized individuals.
 1. ATV racers participating in a sanctioned race or derby are exempt from speed and distance restrictions.
- c. Seven days prior to the start of a sanctioned race, the sponsor conducting a sanctioned race or derby on a raceway facility shall give notice of the sanctioned race or derby to the local conservation warden or law enforcement agency having jurisdiction.

Pettis office
OK to
talk to

Karl Brooks

220-0455

267-7455

Nelson, Robert P.

From: Gibson-Glass, Mary
Sent: Wednesday, April 23, 2003 8:49 AM
To: Nelson, Robert P.
Subject: FW: Race exemptions

-----Original Message-----

From: Liedl, Kimberly
Sent: Tuesday, April 22, 2003 2:58 PM
To: Gibson-Glass, Mary
Subject: Race exemptions

Hi, Mary, I was referred to you for our new ATV bill draft request. Mark would like to draft one that would allow for youth ATV racing. Attached below is the language change suggestions. Another factor not in the attached language that Mark would also like added would give exemptions for reporting injuries and deaths for racing (currently, it has to be reported for trail riding and racing, I think). Please feel free to contact Mark or myself with questions or concerns.

Thanks again,
Kimber
Office of Rep Mark Pettis

-----Original Message-----

From: Brooks, Karl R.
Sent: Wednesday, April 09, 2003 2:31 PM
To: Pettis, Mark
Cc: 'WATVA - Maynerd, Gary'; 'NOHVIS - WATVA - Harden, Randy'
Subject: race exemptions



Races Draft
Changes.doc

Dear Rep. Pettis,

The attached document was compiled during meetings and discussions about children participating in sanctioned races. The WI ATV Association facilitated the discussions and as a result the changes have been recommended for me to advance to you per your request.

The Department has not officially commented on any of the proposals; however I did act as their guide during the facilitated process and at this point I see no problems with the changes the ATVers are seeking.

An official Department stance will be made after solicitation comes for analysis of the final in bill format.

If I can be of further assistance, please let me know.

Nelson, Robert P.

From: Brooks, Karl R.
Sent: Wednesday, June 04, 2003 3:56 PM
To: Nelson, Robert P.
Subject: RE: proposed draft

Hi Robert,

Quickly glancing at the draft I see you have a question below.

The change will allow a child to practice on his property or that of another as allowed by the landowner. Currently, young racers are not allowed on private property to practice (or race for that matter). We want to keep kids and practices off of areas like frozen surface waters that are causing complaints week-in week-out (the sanctioned requirement part is expected to handle that). If racing only occurs during sanctioned race times, then the complaint potential should be reduced.

It seemed a bit narrow to allow them to race, but not practice; that was the racers' thought. Racers did not want to have a restriction that eliminated practicing, thus the suggestion to open private property. Essentially if it's private and you had permission to be there no one cared much. The potential to have legislation for mandatory ed like snowmobiling and hunting, essentially all those born after a certain date must be certified, is still brewing and supported by the ATV Association. If it passes, then we will not likely have any less children being certified. In addition, I do not see that by widening private property allowances that kids are going to fully avoid obtaining a certificate. They already have some of that opportunity now by being accompanied by an 18 year old even on trails and certain other public riding areas.

Anywhere Rep. Pettis can place the allowance to eliminate reporting an accident that occurs during a sanctioned race would be fine. The snowmobile community has considered the same allowance. The reason was to eliminate statistics applying to annual reports created by the dept. that may skew normal rec. activity. I suggest the following location....

Per ss **23.33 (7) Accidents.**

(a) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and shall file a written report of the accident with the department on the form provided by it within 10 days after the accident.

(b) If the operator of an all-terrain vehicle is physically incapable of making the report required by this subsection and there was another witness to the accident capable of making the report, the witness may make the report.

(c) Exception. This section does not apply to all-terrain vehicle accidents that occur during a sanctioned race or derby.

***NOTE: I do not understand the suggested changes in this paragraph. The change to allow 12-15 year olds to operate an all-terrain vehicle on private property opens up almost all property for the use of the 12-15 year old operator. Raceway facilities and sanctioned races are almost always on private property, as is lands owned or leased by an organization, so that additional language is not needed if the juvenile is allowed to operate on any private property.

Let me know if you need additional info.

Karl R. Brooks
Snowmobile/ ATV Administrator
P.O. Box 7921

Madison, WI 53707

608-267-7455 Desk
608-266-3696 Fax

ATV Safety

<http://www.dnr.state.wi.us/org/es/enforcement/safety/atvsaf.htm>

Snowmobile Safety

<http://www.dnr.state.wi.us/org/es/enforcement/safety/snoed.htm>

-----Original Message-----

From: Nelson, Robert P.
Sent: Tuesday, June 03, 2003 11:17 AM
To: Brooks, Karl R.
Subject: proposed draft

<< File: 03-2595/P1 >>

Pettis also wants language to "give exemptions for reporting injuries and deaths for racing." I am not at all sure what that means. Any suggestions?

Robert P Nelson
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
608-267-7511



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2595/P1

RPN: ^:....

D-Note

jd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: all-terrain vehicle racing and the operation of all-terrain
2 vehicles by juveniles.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 23.33 (1) (jg) of the statutes is created to read:

4 23.33 (1) (jg) "Raceway facility" means an area on private or public land,
5 including the frozen surface of public waters, that is designated by the sponsor of a
6 sanctioned race or derby for the purpose of conducting a sanctioned race or derby and
7 that may include a marked warm-up and testing area and crew pits.

8 SECTION 2. 23.33 (1) (jo) of the statutes is created to read:

9 23.33 (1) (jo) "Sanctioned race or derby" means a competitive all-terrain
10 vehicle event that is conducted at a raceway facility, that is sponsored by a county,

city, town, or village, chamber of commerce, all-terrain vehicle club, promoter, or similar organization, and for which any required permits have been obtained.

SECTION 3. 23.33 (5) (c) of the statutes is amended to read:

23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle exclusively ^{plain} on land under the management and control of the person's immediate family ~~or on private property or during a sanctioned race or derby.~~ Paragraphs (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

****NOTE: I did not understand the changes in this paragraph. First, the proposal said that pars. (a) and (b) do not apply to operating on private property. Then it adds an exception to that change if the property is owned or leased by an organization of which the operator or family member is a member. The change to allow 12-~~15~~ year-olds to operate an all-terrain vehicle on private property opens up almost all property to them, so the language about organizational property makes little sense. I deleted that language from this draft.

year-olds
and

SECTION 4. 23.33 (7) (c) of the statutes is created to read:

23.33 (7) (c) This subsection does not apply to accidents that occur during a sanctioned race or derby.

SECTION 5. 23.33 (10m) of the statutes is created to read:

23.33 (10m) OPERATION OF SANCTIONED RACE OR DERBY. (a) The sponsor of a sanctioned race or derby shall do all of the following:

1. Obtain any permits required to operate the race or derby.
2. Not less than 7 days before the race or derby, give notice in writing of the race or derby to the local conservation warden or law enforcement agency having jurisdiction over the raceway facility involved in the race or derby.

3. When conducting a race or derby on public land, including the frozen surface of public waters, clearly mark the raceway facility by signs or exclusion fencing warning that a sanctioned race or derby is taking place.

4. If using warning signs, the signs must meet all of the following requirements:

a. Be placed not more than 100 feet apart.

b. Include the name of the race or derby sponsor or the name of person responsible or in charge of the race or derby.

c. Include the words: "Caution Race in Progress."

5. Remove all signs and exclusion fences immediately after the end of the race or derby.

(b) No person may enter a raceway facility, except spectators, racers, event organizers, conservation wardens, law enforcement officers, and others authorized by the sponsor.

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2595/P1dn

RPN:.....

jk

I drafted this as a preliminary draft because I did not understand some of the proposed language. See my note in SECTION 3 of the draft.

CS

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2595/P1dn
RPN:jld:rs

June 6, 2003

I drafted this as a preliminary draft because I did not understand some of the proposed language. See my NOTE in SECTION 3 of the draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Nelson, Robert P.

From: Brooks, Karl R.
Sent: Monday, June 09, 2003 11:09 AM
To: Nelson, Robert P.
Subject: RE:

This looks good so far. I have solicited comments from my staff.

One item I did not see that cleans things up is this:

ATV racers participating in a sanctioned race or derby are exempt from speed and distance restrictions.

As the law currently reads (my interp.), there is no allowance that permits an ATV to drive at 50 mph past a person when closer than 100 feet, even at a race.

The purpose of this needed sentence is to allow spectators to observe the event when closer than 100' of a racing ATV. Currently, ATVers/racers must slow to 10 mph when within 100 feet of a person not on an ATV or vehicle. Ice races must have provisions to keep people 100 feet from the ATV. It is common practice to observe race events up close and near the race track. The race community advised it is common and is currently being done anyway with no ill consequences. So, it appears to me that we should clean it up (if you see things the same way).

Thanks.

Karl R. Brooks
Snowmobile/ ATV Administrator
P.O. Box 7921
Madison, WI 53707

608-267-7455 Desk
608-266-3696 Fax

ATV Safety
<http://www.dnr.state.wi.us/org/es/enforcement/safety/atvsaf.htm>

Snowmobile Safety
<http://www.dnr.state.wi.us/org/es/enforcement/safety/snoed.htm>

-----Original Message-----

From: Nelson, Robert P.
Sent: Friday, June 06, 2003 3:06 PM
To: Brooks, Karl R.
Subject:

<< File: 03-2595/P1 >>

Robert P Nelson
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
608-267-7511



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2595/P1

RPN:jld:rs

OTHER

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

reger

1 AN ACT *to amend* 23.33 (5) (c); and *to create* 23.33 (1) (jg), 23.33 (1) (jo), 23.33
2 (7) (c) and 23.33 (10m) of the statutes; **relating to:** all-terrain vehicle racing
3 and the operation of all-terrain vehicles by juveniles.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 23.33 (1) (jg) of the statutes is created to read:

5 23.33 (1) (jg) "Raceway facility" means an area on private or public land,
6 including the frozen surface of public waters, that is designated by the sponsor of a
7 sanctioned race or derby for the purpose of conducting a sanctioned race or derby and
8 that may include a marked warm-up and testing area and crew pits.

9 SECTION 2. 23.33 (1) (jo) of the statutes is created to read:

10 23.33 (1) (jo) "Sanctioned race or derby" means a competitive all-terrain
11 vehicle event that is conducted at a raceway facility, that is sponsored by a county,

city, town, or village, chamber of commerce, all-terrain vehicle club, promoter, or similar organization, and for which any required permits have been obtained.

→ INSERT 2-2
SECTION 3. 23.33 (5) (c) of the statutes is amended to read:

23.33 (5) (c) *Exceptions*. Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle exclusively on ~~land under the management and control of the person's immediate family private property or during a sanctioned race or derby.~~ Paragraphs (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada.

****NOTE: I did not understand the changes in this paragraph. First, the proposal said that pars. (a) and (b) do not apply to operating on private property. Then it adds an exception to that change if the property is owned or leased by an organization of which the operator or family member is a member. The change to allow 12- year-olds and 15 year-olds to operate an all-terrain vehicle on private property opens up almost all property to them, so the language about organizational property makes little sense. I deleted that language from this draft.

SECTION 4. 23.33 (7) (c) of the statutes is created to read:

23.33 (7) (c) This subsection does not apply to accidents that occur during a sanctioned race or derby.

SECTION 5. 23.33 (10m) of the statutes is created to read:

23.33 (10m) OPERATION OF SANCTIONED RACE OR DERBY. (a) The sponsor of a sanctioned race or derby shall do all of the following:

1. Obtain any permits required to operate the race or derby.
2. Not less than 7 days before the race or derby, give notice in writing of the race or derby to the local conservation warden or law enforcement agency having jurisdiction over the raceway facility involved in the race or derby.

3. When conducting a race or derby on public land, including the frozen surface of public waters, clearly mark the raceway facility by signs or exclusion fencing warning that a ✓ sanctioned race or derby is taking place.

4. If using warning signs, the signs must meet all of the following requirements:

a. Be placed not more than 100 feet apart.

b. Include the name of the race or derby sponsor or the name of person responsible or in charge of the race or derby.

c. Include the words: “Caution — Race in Progress.”

5. Remove all signs and exclusion fences immediately after the end of the race or derby.

(b) No person may enter a raceway facility, except spectators, racers, event organizers, conservation wardens, law enforcement officers, and others authorized by the sponsor.

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2595/P2ins
RPN:jld:rs

1 ²
insert ~~1~~-2:

2 SECTION 1. 23.33 (3) (gm) of the statutes is created to read:

3 23.33 (3) (gm) At a speed exceeding[✓] 10 miles per hour when within[✓] 100 feet
4 of a person who is not on an all-terrain vehicle. This paragraph[✓] does not apply to
5 a person racing an all-terrain vehicle in a sanctioned race[✓] or to a person operating
6 an all-terrain vehicle in a[✓] sanctioned derby.

(end ins 2-2)



Waated 7/18 am
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2595/P2

RPN:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

1 AN ACT *to amend* 23.33 (5) (c); and *to create* 23.33 (1) (jg), 23.33 (1) (jo), 23.33
2 (3) (gm), 23.33 (7) (c) and 23.33 (10m) of the statutes; **relating to:** all-terrain
3 vehicle racing and the operation of all-terrain vehicles by juveniles.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 23.33 (1) (jg) of the statutes is created to read:

5 23.33 (1) (jg) "Raceway facility" means an area on private or public land,
6 including the frozen surface of public waters, that is designated by the sponsor of a
7 sanctioned race or derby for the purpose of conducting a sanctioned race or derby and
8 that may include a marked warm-up and testing area and crew pits.

9 SECTION 2. 23.33 (1) (jo) of the statutes is created to read:

10 23.33 (1) (jo) "Sanctioned race or derby" means a competitive all-terrain
11 vehicle event that is conducted at a raceway facility, that is sponsored by a county,

city, town, or village, chamber of commerce, all-terrain vehicle club, promoter, or similar organization, and for which any required permits have been obtained.

SECTION 3. 23.33 (3) (gm) of the statutes is created to read:

23.33 (3) (gm) At a speed exceeding 10 miles per hour when within 100 feet of ~~a person~~ ^{an individual} who is not on an all-terrain vehicle. This paragraph does not apply to ~~a person~~ ^{an individual} racing an all-terrain vehicle in a sanctioned race or to ~~a person~~ ^{an individual} operating an all-terrain vehicle in a sanctioned derby.

SECTION 4. 23.33 (5) (c) of the statutes is amended to read:

23.33 (5) (c) *Exceptions*. Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle exclusively on ~~land under the management and control of the person's immediate family private property or during a sanctioned race or derby~~. Paragraphs (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada.

****NOTE: I did not understand the changes in this paragraph. First, the proposal said that pars. (a) and (b) do not apply to operating on private property. Then it adds an exception to that change if the property is owned or leased by an organization of which the operator or family member is a member. The change to allow 12-year-olds and 15 year-olds to operate an all-terrain vehicle on private property opens up almost all property to them, so the language about organizational property makes little sense. I deleted that language from this draft.

SECTION 5. 23.33 (7) (c) of the statutes is created to read:

23.33 (7) (c) This subsection does not apply to accidents that occur during a sanctioned race or derby.

SECTION 6. 23.33 (10m) of the statutes is created to read:

23.33 (10m) OPERATION OF SANCTIONED RACE OR DERBY. (a) The sponsor of a sanctioned race or derby shall do all of the following:

1. Obtain any permits required to operate the race or derby.

2. Not less than 7 days before the race or derby, give notice in writing of the race or derby to the local conservation warden or law enforcement agency having jurisdiction over the raceway facility involved in the race or derby.

3. When conducting a race or derby on public land, including the frozen surface of public waters, clearly mark the raceway facility by signs or exclusion fencing warning that a sanctioned race or derby is taking place.

4. If using warning signs, the signs must meet all of the following requirements:

a. Be placed not more than 100 feet apart.

b. Include the name of the race or derby sponsor or the name of person responsible or in charge of the race or derby.

c. Include the words: “Caution — Race in Progress.”

5. Remove all signs and exclusion fences immediately after the end of the race or derby.

(b) No person may enter a raceway facility, except spectators, racers, event organizers, conservation wardens, law enforcement officers, and others authorized by the sponsor.

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2595/lins
RPN:jld:rs

insert anl:

Under current law, operators of all-terrain[✓] vehicles are prohibited from operating those vehicles in certain specified ways, including in a careless way so as to endanger a person, with a firearm unless it is unloaded and in a carrying case, or within 150 feet of a dwelling at a speed exceeding ~~10~~¹⁵ miles per hour. This bill prohibits the operation of an all-terrain vehicle at a speed exceeding ~~10~~¹⁵ miles per hour within 100 feet of an individual who is not on an all-terrain vehicle. This new prohibition does not apply to the operation of an all-terrain vehicle in a sanctioned race or derby. (ten)

* Current law prohibits an individual under the age of 12[✓] from operating an all-terrain vehicle unless he or she is operating the vehicle for agricultural purposes under the supervision of a person over the age of 18 or unless he or she is operating the vehicle on an all-terrain vehicle trail and is accompanied by a parent. Currently an individual age 12 to 16 has limits on his or her operation of an all-terrain vehicle, including a prohibition from operating an all-terrain vehicle unless he or she has an all-terrain vehicle safety certificate or is accompanied by an individual over the age of 18. These prohibitions do not apply to the operation of an all-terrain vehicle on land under the management and control of the individual's immediate family. This bill changes the applicability of these prohibitions to say that those prohibitions do not apply to the operation of an all-terrain vehicle on private property or during a sanctioned race or derby. (so)

* If an accident involving an all-terrain vehicle results in the death of any individual or an injury that requires treatment by a physician, the operator of each all-terrain vehicle involved in the accident must notify a conservation warden or law enforcement officer of the accident and file a written report with the department of natural resources. This bill exempts operators of all-terrain vehicles from this reporting requirement if the accident occurs during a sanctioned race or derby. *

This bill defines a sanctioned ~~all-terrain~~^{sanctioned} race or derby, and requires the sponsor of such a race or derby to obtain any required permits, give timely notice of the event to the local conservation warden or law enforcement agency, mark the raceway with fencing or signs that meet certain standards, and remove those fences and signs after the race or derby ends. *

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Emery, Lynn

From: Pettis, Mark
Sent: Friday, July 11, 2003 11:51 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2595/1 Topic: Youth ATV racing

It has been requested by <Pettis, Mark> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2595/1 Topic: Youth ATV racing